

CHAPTER 90-02-02 CERTIFICATION

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90-02-02-01. Certification - How obtained. The secretary of the board shall maintain a supply of certificates and decals and shall, upon proper application, furnish such certificates and decals to qualified applicants.

General Authority: NDCC 28-32-02, 43-35-01, 43-35-10

Law Implemented: NDCC 43-35-13, 43-35-16, 43-35-17

90-02-02-01.1. Purpose of certification. The philosophy of the board in enforcing North Dakota Century Code chapter 43-35 shall be at all times the protection of the quantity and the quality of the ground water resources.

History: Effective March 1, 1984.

General Authority: NDCC 28-32-02, 43-35-01, 43-35-10

Law Implemented: NDCC 43-35-01

90-02-02-02. Qualified applicants - How determined - Initial certification. The board first must approve the application of a party desiring certification for the first time and if an applicant is so approved and has otherwise complied with the requirements of North Dakota Century Code sections 43-35-13 and 43-35-14, the applicant is to be regarded as qualified and shall be issued the proper certificate and decals.

History: Amended effective May 1, 2002.

General Authority: NDCC 28-32-02, 43-35-01, 43-35-10

Law Implemented: NDCC 43-35-13, 43-35-16

90-02-02-02.1. Definition of one year's experience. One year of experience as required by statute consists of twelve months of full-time employment in constructing water wells, installing pump and pitless units, or constructing monitoring wells under the direct supervision of a certified water well contractor, pump and pitless unit installer, or monitoring well contractor which experience has occurred during the three years immediately preceding the date of application, or suitable vocational training approved by the board. The board may, upon application and request, approve equivalent experience under a nonlicensed

water well contractor, pump and pitless unit installer, or monitoring well contractor if the experience was in a state other than North Dakota and if the board is satisfied that the experience was the equivalent of working under a certified water well contractor in North Dakota. The board may certify other experience as equivalent as it finds appropriate.

History: Effective March 1, 1984; amended effective May 1, 2002.

General Authority: NDCC 28-32-02, 43-35-01, 43-35-10

Law Implemented: NDCC 43-35-13

90-02-02-02.2. Certification by examination - Time limit. Any person who desires to become certified and who has taken the examination and successfully passed it shall complete the other requirements for certification within six months of notification of the passing score. Failure to complete certification within six months from such notification will nullify the passing score on the examination and the applicant shall initiate a new application in the same manner as if the applicant had not applied before, and be reexamined before becoming certified.

History: Effective March 1, 1984.

General Authority: NDCC 28-32-02, 43-35-01, 43-35-10

Law Implemented: NDCC 43-35-13

90-02-02-03. Qualified applicants - How determined - Renewal. Any person holding a current certification shall be regarded as qualified upon the timely completion of an application and submission of the proper fee and bond. The secretary may issue the proper certificates and decals for a renewal without action of the board.

General Authority: NDCC 28-32-02, 43-35-01, 43-35-10

Law Implemented: NDCC 43-35-13, 43-35-17

90-02-02-04. Renewal application - Time limit. Any certification which has not been renewed prior to April first following its expiration, shall no longer be renewable. If the holder thereof shall again desire to become a certified water well contractor, the holder shall be required to first pass the examination.

General Authority: NDCC 28-32-02, 43-35-01, 43-35-10

Law Implemented: NDCC 43-35-17

90-02-02-05. Willful violation - Penalty. Any person who is not certified as a water well contractor, pump and pitless unit installer, or monitoring well contractor who shall be found by the board to be in intentional violation of this title or of the applicable statutes may not be certified as a water well contractor, pump and pitless unit installer, or monitoring well contractor within one year of such violation as determined by the board.

History: Amended effective May 1, 2002.

General Authority: NDCC 28-32-02, 43-35-01, 43-35-10

Law Implemented: NDCC 43-35-20

90-02-02-06. Expiration of grandfather clause. The intent of North Dakota Century Code section 43-35-15, which provides for certification of certain persons without examination, was to include only persons engaged in well drilling during the year immediately preceding the effective date of North Dakota Century Code chapter 43-35 who made application prior to the first day of January 1972. Therefore, the board will not consider any applications for certification under this section.

General Authority: NDCC 28-32-02, 43-35-01, 43-35-10

Law Implemented: NDCC 43-35-15

90-02-02-07. Certification by reciprocity - How obtained. Any person desiring to be certified by reciprocity shall submit an application on forms furnished by the secretary and shall include therewith certified proof of the person's certification in the other state. Upon request of the board, the applicant may be required to submit additional information to assist the board in determining if the applicant's qualifications are equal to those required of certified water well contractors in North Dakota.

General Authority: NDCC 28-32-02, 43-35-01, 43-35-10

Law Implemented: NDCC 43-35-21